IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1409 OF 2004

IN

SUIT NO.4603 OF 1995

Larsen & Toubro Ltd. & Another. ... Plaintiffs.

vs.

Transport Corporation of India Ltd. ... Defendants.

Ms.Trivedi i/b. Mr.P.N.Sadarangani, for Plaintiffs.

Mrs.B.J.Singh, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 4th March, 2005.

P.C.:-

1. Perusal of order dated 29th September,2003 passing the ex-parte decree shows that the decree is

passed in the absence of written statement. Therefore, the decree is under Order 8 Rule 5 of Civil Procedure Code. Hence, the Notice of Motion is not maintainable. Notice of Motion is disposed of.

4.3.2005 ---